

REMARKS

By this amendment, claims 1, 13-16, 21, 67, 72-75, 77 and 95-98 are amended to clarify the expression relating to polypeptides whose encoding sequences differ because of degeneracy in the genetic code, to improve expression of antecedent basis and to formalize Markush groups. Claims 99-101 are added to parallel subject matter claimed in claims 15, 16 and 95 for SEQ ID NO: 141. No issue of new matter arises.

Examiner Interview Summary

Applicants express their gratitude for the courtesies extended to their representative in scheduling and conducting the March 3, 2009 interview (rescheduled from March 2 due to snow). A summary of the substance of the interview is incorporated in the following remarks. Applicants respectfully observe that the Examiner's Amendment proposed by the Examiner did not accurately indicate changes from previous versions of the claims in accordance with rule 1.121. In the present amendment claims are modified from the version filed November 11, 2008. The strikethrough and double bracketing convention of rule 121 rather than bracketing convention used by the Examiner is used in the present set of amended claims. Minor changes to English language syntax are made to the Examiner's Amendment. The intended scope is not believed to have been altered. Since the Examiner's Amendment inaccurately indicated the resultant changes, Applicants respectfully request that the present version of claims be entered in its stead.

Claim Objection

Claims 1, 13, 15, 72 and 77 were objected to and discussed in the March 3, 2009 Examiner interview and telephone follow-up relating to the Examiner's Amendment.

The claim language suggested by the Examiner is incorporated in the present amendment in a form compliant with Rule 121.

Rejections under 35 USC §112

Claims 1, 5, 13-16, 21, 67, 72-77 and 94-98 were rejected under 35 U.S.C. §112, first paragraph as allegedly lacking written description. Specifically "sequences that could differ" were cited as the basis of this rejection. Clarification with respect to degeneracy as suggested by the Examiner is believed to overcome this rejection. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 95 and 98 were rejected under 35 U.S.C. §112, second paragraph as allegedly raising an issue of indefiniteness. Antecedent basis was questioned. The claims as amended follow language suggestions made by the Examiner to overcome this rejection. Reconsideration and withdrawal of this rejection are respectfully requested.

Rejection under 35 USC §102

Claim 1 and 96-98 were rejected under 35 U.S.C. §102 over Hara. The Office Action alleged that Hara could be construed to be “derived from” SEQ ID NO: 111 or 141. The derived from issue has been obviated by amendment in accordance with the Examiner’s suggestions. This rejection is hereby believed to have been obviated. Reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

In view of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of all pending rejections. Applicants respectfully submit that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. Should the Examiner believe that anything further is desirable that might put the application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

Fees

No fees not otherwise provided for are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,

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